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Held at the Palais des Nations, Geneva,
on Thursday, 1 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 3 p.m.

STATEMENT BY THE DIRECTOR OF HUMAN RIGHTS OF THE COUNCIL OF EUROPE

1. Mr. IMBERT (Director of Human Rights, Council of Europe) said that once again, ethnic cleansing was being undertaken against a civilian population by the Serbian armed forces and police, involving flagrant violations of humanitarian law and of the most basic human rights. That was a negation of the values whose defence lay at the heart of the Council of Europe. The Council had already expressed its indignation and concern at the situation and its solidarity with the neighbouring countries; had urged President Milosevic to cease immediately his repression of the Kosovo population and had reiterated its willingness to cooperate with all those in the Federal Republic of Yugoslavia who wished to construct a democratic society that respected human rights.

2. The protection and promotion of human rights required a constant effort and, each time new challenges arose, a new expression of political will to meet them. For example, it had been necessary to create a European Commission against Racism and Intolerance. The legal approach to problems needed to be supplemented by an approach and means of action that were more political. It was still important, however, to evaluate the existing legal arsenal, and to improve it wherever necessary. That might mean preparing new standards, like the work being done to include a general prohibition of discrimination in an additional protocol to the European Convention on Human Rights.

3. The considerable increase in the number of individual complaints lodged under the European Convention had led, in November 1998, to the inauguration of a single, permanent Court of Human Rights at Strasbourg. In the area of social rights, an important innovation had been made to the control system established by the European Social Charter: a protocol providing for a system of collective complaints had entered into force in 1998 which would allow trade unions, employers' organizations and designated non-governmental organizations (NGOs) to bring before the Committee of Independent Experts complaints alleging unsatisfactory application of the Charter. The Framework Convention for National Minorities had also entered into force in 1998, and its Advisory Committee of independent experts had begun consideration of the first State reports.

4. A new institution of the Council was to be established at the Ministerial session of the Committee of Ministers in May 1999: a Commissioner for Human Rights. The Commissioner, whose basic mission was to raise awareness among the public and public authorities, would be able to play an important role as a non-judicial institution in the promotion and protection of human rights in member States. He would cooperate with other relevant international institutions in order to avoid unnecessary duplication of work.

5. In recent years, the Council had recognized the need to create a framework for discussing specific situations outside the conventional treaty systems. The Parliamentary Assembly and the Committee of Ministers had each created its own system for monitoring compliance with commitments entered into by member States. Those procedures allowed for the direct discussion of problems concerning, for example, abolition of the death penalty, the

functioning and protection of democratic institutions and freedom of expression and information. Experience with those new mechanisms was still somewhat limited and their potential had yet to be fully explored.

6. Another area in which the Council might usefully learn from the experience of the United Nations was that of so-called structural human rights violations. Participants in a regional colloquium organized by the Council in September 1998 had stressed the inadequacy of the mechanisms currently available in the Council to put an end to structural violations once they had occurred, or to prevent them in the first place. The control system of the European Convention on Human Rights would have to deal in the next few years with more and more cases relating to structural or massive violations of human rights.

7. The Committee of Ministers of the Council of Europe had adopted in December 1998 an important political declaration in which the Governments of the 40 member States committed themselves to supporting and reinforcing European activities and mechanisms in the field of human rights and paid tribute to the work of the United Nations. They had adopted certain measures, among them the signature and ratification of the Statute of the International Criminal Court and its speedy establishment, and had endorsed the General Comment of the United Nations Human Rights Committee confirming that the International Covenant on Civil and Political Rights was not subject to denunciation or withdrawal. They had urged all States to abolish the death penalty as soon as possible, to maintain a moratorium on executions pending such abolition, and to refrain from reintroducing the death penalty.

8. The Council, which hoped to be able to organize a regional conference to prepare for the World Conference on Racism, was keen to strengthen its links with the Office of the High Commissioner for Human Rights (OHCHR) and to develop further joint action and undertakings between the Office and its own various departments.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/1999/7, 25-27, 30-38, 41-43, 107, 117, 119, 121, 125-127 and 129-134; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

9. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing his report (E/CN.4/1999/32), said it was dated 28 December 1998 and he deeply regretted the fact that it seemed to take so long to translate and distribute reports. The result was that they were outdated by the time they were considered by the Commission.

10. Since his report had been completed, there had been a number of important developments in the Islamic Republic of Iran. Local elections had been held - the first since the 1979 revolution - and in the run-up to them it had been evident that a trial of strength was under way within the Government over the vetting of candidates and the grounds for disqualification. In the end, a compromise had been reached, resulting in all candidates being

qualified unless proven otherwise. About half the population of 63 million was eligible to vote, two thirds of them being women and voters under the age of 30. According to the Ministry of the Interior, some 130,000 candidates had registered, some 5,000 being women. About 300 women candidates had been elected. Some 13 per cent of the eligible voters had taken part in the election, but the actual turnout might have been much higher. The councils were to convene on 29 April 1999, and the process was deemed to represent an important step forward in the development of democratic institutions.

11. No information had come to his attention since his report was written to suggest further substantive developments with regard either to the status of women or to the status of religious and ethnic minorities. He had no evidence to suggest that the pressure under which the Baha'i community lived was lessening.

12. The reference in his report to the series of deaths and disappearances of prominent intellectuals and political dissidents had provoked widespread concern within and outside the Islamic Republic of Iran. In early January 1999, the Ministry of Information had issued a statement that some of its own agents had been involved, and the Minister of Information had subsequently resigned. The individuals concerned were alleged to have been acting on their own. The investigation was continuing, and it had been stated that, when it had been completed, those concerned would be brought to trial. There had, however, been reports of other individuals receiving threatening messages from shadowy groups and there was a rumour that some of the accused were going abroad to escape trial.

13. Since his report was written, there had been more cases of journals being suspended and fines being imposed, in some cases for reasons that at best seemed doubtful. In March 1999, a foreign news agency had reported that a clerics court had declared that any journal mentioning the name of a prominent religious dissenter would be prosecuted. In the most publicized event, a university lecturer and seminary teacher had been arrested by the clerics court and charged with "confusing public opinion". The arrest had been condemned by senior government ministers.

14. The executive branch of the Government, under the leadership of President Khatami, continued to pursue a course that if successful should bring not only popular legitimacy to government but also a new respect for the dignity of the individual and the rights of all citizens. In the meantime, however, the process was clearly a painful one. There had been no sign in the past three months of any invitation to him to visit the Islamic Republic of Iran.

15. Ms. GERVAIS-VIDRICAIRE (Canada) said her Government strongly supported the work of the International Criminal Tribunal for the Former Yugoslavia and urged all Governments to cooperate fully with it in bringing to justice those indicted. The Federal Republic of Yugoslavia must meet its obligations to cooperate with the Tribunal, handing over indictees living on its territory and permitting full access to the Tribunal's investigators throughout the country.

16. While significant progress had been made in Bosnia and Herzegovina, not least because of the unprecedented international engagement on human rights issues there, she called once again on the Bosnian authorities fully to respect the terms of the Dayton Peace Agreement.

17. The conflicts in the Great Lakes region of Africa were sad examples of the impact violence had on the rights of civilian populations. She urged all parties to seek a peaceful solution to the situation and to end ethnic discrimination and the culture of impunity.

18. Chronic and gross abuses of the human rights of the civilian population were being committed by all parties to the civil war in the Sudan. Her delegation was particularly concerned at the abduction of persons into slavery, the use of child soldiers and continued reports of indiscriminate bombing by government forces of civilian installations. It was deeply concerned also about other human rights violations such as religious intolerance and arbitrary arrests.

19. Her Government deplored the fact that Ethiopia and Eritrea had not allowed the International Committee of the Red Cross (ICRC) full access to the battle-front or to prisoners, and was distressed by the suffering of the civilian population and the human rights violations perpetrated as a result of the war.

20. In Sierra Leone, in the conflict, children and adolescents had been recruited as soldiers and slaves; women had been raped and civilians had been killed, mutilated or used as human shields. There were more than a million refugees and internally displaced persons. Those victims must be given effective access to the full protection afforded by human rights and humanitarian law.

21. An important element in advancing respect for human rights was full implementation of internationally binding norms ratified by States. Her Government therefore urged all countries to cooperate with United Nations country-specific and thematic mechanisms and to engage in a constructive human rights dialogue with the Commission.

22. The authorities in Iraq continued to rule by terror, indiscriminate arrest, imprisonment and execution. Iraq had taken no steps to curb its widespread human rights abuses, and had refused to cooperate with the Commission's Special Rapporteur. She urged the Government of Iraq to end arbitrary detention and the execution of political and religious opponents, enforced disappearances, torture, denial of freedom of expression and forced displacement and deportation.

23. The military regime in Myanmar maintained its unrelenting repression, ignoring the international community's call for dialogue and rejecting the efforts of both the Commission's Special Rapporteur and the Special Representative of the Secretary-General. She called upon the Myanmar regime to demonstrate a genuine commitment to national reconciliation.

24. The absence of respect for human rights and the serious humanitarian crisis in the Democratic People's Republic of Korea was of continuing concern

to her delegation, which was disturbed by the Government's denunciation of the International Covenant on Civil and Political Rights. She urged that Government to cooperate fully with United Nations agencies and international NGOs engaged in providing humanitarian assistance.

25. Afghanistan was one of the worst countries in the world in terms of the extent and intensity of human rights abuses. The Taliban had scorned democracy and openly rejected human rights, undertaking gross violations of the human rights and fundamental freedoms of women and girls.

26. Intolerance could also lead to insidious forms of human rights violations, such as those resulting from the recurring violence and terrorist acts in Algeria, which undermined the structure and stability of the State and denied most fundamental human rights. The need to combat terrorism did not lessen the Algerian Government's obligation to prevent human rights violations.

27. In the Islamic Republic of Iran, President Khatami's plans for a tolerant, law-abiding society continued to unfold in the face of much resistance. Her delegation had welcomed the conduct of the first municipal elections in the country but had been deeply disturbed by the murder of intellectuals and writers, though the Government's arrest of suspects had provided some encouragement. Much more progress had to be made on the core issues of women's rights, and she was concerned at the discrimination faced by the Baha'i community.

28. Her delegation welcomed China's signature of the two International Covenants of Human Rights, and urged their rapid ratification. Noting China's achievement in improving the standard of living of its people through economic reform, its efforts to limit the abuse of power and authority and its commitment to modernizing its legal system, her delegation was still disturbed by the situation of human rights in that country, including intolerance of freedom of speech, constraints on freedom of association and freedom of religion, particularly in Tibet, and the extensive use of the death penalty, as well as harsh sentences imposed on political dissidents.

29. She welcomed Indonesia's efforts to address human rights concerns, including the ratification of a number of international conventions, but remained concerned about communal and ethnic violence and the security forces' response to it, as well as the incomplete investigations of past human rights violations. Progress had been made on East Timor in the past year, and she hoped that the increased cooperation of Indonesia would lead to a United Nations presence in the territory. Her delegation called for an immediate end to hostilities and the launching of a disarmament process. All parties in East Timor should seek peaceful means in the pursuit of their political objectives.

30. Her delegation strongly supported the peace initiatives of the Government of Colombia, despite the deepening spiral of violence in that country.

31. A significant transition to democracy had recently taken place in Nigeria, and the visit by the Commission's Special Rapporteur in November 1998 had confirmed the positive changes taking place there.

32. Her delegation welcomed the recognition in Sri Lanka that investigating disappearances and providing recourse to those who had been subjected to arbitrary arrest and detention were vital to restoring respect for human rights and fundamental freedoms. All parties to the conflict, including paramilitary groups, should ensure the well-being of the internally displaced and full respect for humanitarian law.

33. Finally, her delegation was still concerned at the impunity, abuse of authority, state of the prisons and the essential reform of the judicial system in Haiti, but hoped that the recent steps taken by the Haitian Government would lead to credible elections later in the year.

34. Mr. NENE (South Africa) said that, while it was important to point out shortcomings, it was just as important to acknowledge improvements wherever they occurred. The recent developments in Nigeria could best be described as a victory for the people of that country in their struggle for democracy. They had an historic opportunity to reverse the trend of military rule, to entrench civilian rule based upon constitutional democracy and to restore a human rights culture.

35. Peace was an urgent necessity, for without it there could be no development and no respect for human rights. Political differences could not and should not be solved by force. The experience of his own country clearly showed that only all-inclusive negotiations, involving all parties to a conflict, could lead to a lasting solution and peace. Accordingly, it was the position of his Government and people that war could not be the midwife of peace, stability and progress in the Democratic Republic of Congo, Angola and Burundi. His delegation appealed to all those concerned to bring the long-standing civil war in the Sudan to an end, in the interests of all the people of that country and of its neighbours.

36. His Government was deeply alarmed at the worsening humanitarian and human rights crises in Kosovo, and regretted the failure of the Yugoslav authorities to respond positively to diplomatic efforts to find a peaceful solution to the conflict there. It was also concerned that the bombing raids had led to an escalation of violence which threatened security and peace in the entire region. Emphasizing that the United Nations had the primary responsibility for the maintenance of international peace and security, he appealed to the Yugoslav leadership to abide by the relevant Security Council resolutions and called for the immediate cessation of acts of destruction, repression and human rights abuses.

37. His delegation was gravely concerned about the situation in the Middle East, where Israel's recent military action in southern Lebanon could not but lead to an escalation of violence in the region. His Government supported the right of the people of Palestine to a sovereign State in conditions of security, as well as the integrity of the borders and territories of all the countries of the Middle East.

38. His delegation was concerned at reports of abuses and human rights violations in Afghanistan, and called on the parties to respect human rights and fundamental freedoms, especially with respect to gender, ethnicity and religion.

39. The people of Cuba had an inalienable right to determine their own destiny.

40. Regional rivalries and internal conflicts in many parts of the world had led to resources badly needed for development being used to purchase arms, with the result that entire communities or countries had been marginalized both socially and economically. While there was potential scope for international cooperation in the promotion of a wide range of human rights, that responsibility rested with Governments to cooperate fully with the international human rights mechanisms.

41. Mr. SORABJEE (Special Rapporteur on the promotion of human rights in Nigeria), introducing his report (E/CN.4/1999/40), said that, after General Abubakar's programme for transition to civilian rule, consultations at all tiers of Government, including the grassroots, had been extensively conducted. They had, by and large, been judged free and fair by many Nigerians and by the international observers. General Abubakar had deserved credit for his sincerity and his commitment to completing the process of transition to civilian rule.

42. He welcomed the release of political detainees and the assurances and guarantees that there would be no further arbitrary arrests or detentions. However, a lot of work remained to be done. Persons were still detained without trial and despite the promulgation of the Decree, some had not been released. He had made personal appeals, which had been well received, and also welcomed the improvements in the conditions of detainees.

43. A necessary concomitant of the transition to democracy was freedom of the press. Many media houses and journalists were encouraged by the freedom. But it was regrettable that the authorities continued to threaten and suppress groups by resorting to arrests. He urged that the Government and state police should be alive to their responsibilities under the Constitution and the principles of freedom of association. He hoped to be receiving a response on the matters mentioned in his report.

44. Since the publication of his report, a number of human rights issues had arisen. Among those that had been reviewed, during consultations with the United Nations Assistance Mission, were the treatment of detainees, the serious attempts at taking back to custody the prisoners of conscience and their release on reduced and unconditional bail. A commission had been set up to inquire into the circumstances of the deaths of students in May/June 1998. The commission had criticized the excessive use of force on the grounds of its timing, its age and lack of proportion.

45. Economic, social and cultural rights were inextricably interwoven with housing and health care in a deplorable state and serious questions of adequate food supply in many areas. In particular, greater attention needed urgently to be given to the problems affecting the children. Right to basic

54. In Africa, there had been a deterioration in the human rights and social and cultural situation in the Great Lakes region. The Organization of African Unity (OAU) had called for a durable peace there. His delegation was very concerned about the difficult situation of those working in the field there and hoped that stability, prosperity and development would soon be restored to the region.

55. Mr. SUNGAR (Observer for Turkey) said that the first item on any human rights agenda should be the eradication of terrorism and worldwide cooperation to combat it. There were, however, countries that contributed to human rights violations by assisting terrorists.

56. Greece had shown its complicity in terrorism and become a "terrorist State" through its role in the events leading to the capture of the PKK leader. It had harboured a terrorist in violation of the European Convention on the Suppression of Terrorism, disregarding the fact that the PKK leader was a criminal sought by Interpol. It had thus behaved irresponsibly in a manner unbefitting a State Member of the United Nations and one that was a member of the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO). It had persistently deceived world public opinion and, even after its exposure, had attempted to justify its actions in support of PKK terrorism. It had thus forfeited its right to make pronouncements on human rights or the rule of law.

57. Mr. LAFFAILLE (Observer for Georgia) said that, in the light of General Assembly resolution 53/155, which urged the Commission to take timely and effective action in existing and future cases of mass and flagrant violations of human rights, his Government had already asked the Commission three times to consider the document it had submitted on genocide and ethnic cleansing in Abkhazia. In view of the fact that 250,000 people had been displaced or were refugees, hostages were being used, hostages were being taken and summary executions were taking place, he hoped that the Commission would respond to his urgent request, especially since the United Nations High Commissioner for Refugees (UNHCR) had sent a mission to Abkhazia to report on the human rights situation there and to promote the safe return of refugees and displaced persons.

58. Referring to agenda item 20, on rationalization of the work of the Commission, he stressed that the Commission's mandate included making a timely response to human rights violations. Yet, after the end of hostilities in Abkhazia, the human rights situation had worsened, with the separatists continuing to engage in ruthless ethnic cleansing. The level of hatred and cruelty they had shown had culminated in the events at Gali in 1997. Since then, they had attempted to begin the process of return of refugees by presenting themselves as the guarantors of the refugees' safety. Neither the refugees themselves, nor the Parliament and Government of Georgia, could agree to a solution that depended on guarantees from people who continued to commit crimes against humanity.

The question of the establishment of an International Court of Justice having been resolved, the Commission should promote the use of that important legal mechanism to bring to justice those guilty of war crimes and crimes against humanity.

Mr. AGURTSOV (Observer for Belarus) said that no country, including his own, could declare that human rights were observed completely in its territory. Double standards and the promotion of political interests under the guise of human rights protection were inadmissible. Only a constructive approach based on dialogue and cooperation could truly promote human rights. The human rights situation in a country should be judged not only by the numbers of violations but also by the readiness of the authorities to prevent them.

His own country's efforts at development were complicated by the need to spend a quarter of the State budget on the consequences of the Chernobyl disaster. Uniquely in the region, however, it did not suffer from ethnic and religious conflicts. A more insidious problem was that of changing mentalities in the political and personal spheres. Most democracies had been formed over centuries. New democratic institutions could not create a civil society overnight.

Human rights problems in Belarus were due to the inexperience of its democracy; further progress with democratic reform would gradually eliminate all the difficulties. In that context, technical assistance and more specifically the programme entitled "Strengthening capacities and infrastructure for the promotion and protection of human rights" elaborated by the Government and NGOs in cooperation with the United Nations Development Programme (UNDP) was crucial. The OSCE had also, through its advisory and monitoring group, been most helpful.

Mr. KARROUM (Observer for Kuwait) commended the report by the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37), which painted a stark picture. It made it clear that the political and legal order in Iraq entailed systematic and systemic violations affecting virtually the whole population, a tragic situation that affected the entire region.

Unfortunately, despite the establishment of the Tripartite Commission on Missing Persons, the Iraqi regime had failed to demonstrate any genuine concern for those arrested, detained or taken as prisoners of war, despite its responsibility, both moral and legal, to identify the whereabouts of the Kuwaitis and other nationals concerned. Iraq should cooperate with the Tripartite Commission and release immediately all those persons it was holding and reveal the names of those who had died in its custody.

Mr. ASSIFF (Observer for the Syrian Arab Republic) said that southern Lebanon and western Bekaa were still under occupation by Israel, despite the numerous United Nations resolutions calling on it to withdraw. Its policy was not merely occupation, however, but expansionism: Syria and the Bekaa suffered daily from bombing and, rather than risk losing their lives or their lands, many inhabitants had been forced into exile. It was hard to understand why the international community had not put a stop to Israeli behaviour. States which made such play of human rights should be the first to act

against the torture and genocide practised by the Israelis. Double standards were deplorable and immediate pressure should be put on Israel to withdraw.

Situation of human rights in Kosovo

66. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that her Office had been following the situation of human rights in the Balkans closely for some time. In November 1998, she had signed a Memorandum of Understanding with the Yugoslav authorities establishing an office in the Federal Republic of Yugoslavia. That office had been gathering information and making representations on various aspects of the human rights of ethnic Serbs, Albanians and others. On several occasions, she had expressed serious concern about the lack of respect for human rights, particularly in Kosovo. She had followed with dismay and deep anguish the developments that had given rise to massive violations of the right to life and had caused such human suffering.

67. Human rights defenders had not been spared. According to reports, a prominent ethnic Albanian human rights lawyer, Bajram Kelmendi, had been kidnapped from his home and shot dead, together with his two sons, by unidentified men.

68. She was outraged by reports of a vicious and systematic campaign of ethnic cleansing conducted by Serbian military and paramilitary forces in Kosovo. The gravity of the reports underlined the need for their impartial verification. The next step would be for the international community to ensure accountability for established violations. She had therefore requested the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, together with her personal representative, to travel to the region within the next week to make a first-hand assessment of the situation.

69. She had also made arrangements to redeploy human rights officers from the field offices in the former Yugoslavia and staff from headquarters to Albania, the former Yugoslav Republic of Macedonia and Montenegro to conduct interviews with refugees and displaced persons.

70. She called on all parties, and especially the authorities of the Federal Republic of Yugoslavia, to take all necessary steps to protect the physical integrity of all persons within their jurisdiction at what was a grave moment for humankind.

71. Mr. DIENSTBIER (Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia) said that as shown by his report (E/CN.4/1999/42), it had been possible to help some people. He had tried to impress on all the parties concerned the importance of using public channels of communication to attract attention to the human rights agenda and to individual cases.

72. Disrespect for human rights was always connected with bad politics, as was the case in the countries of his mandate and had been for his own country, where human rights activists had been well aware that they would not succeed

78. An atmosphere of lawlessness prevailed in Yugoslavia, accompanied by elaborate programmes to destroy what had been left of civil society. The authorities passed sweeping legislation in the name of national security. Even those who had spent their lives fighting for democracy and human rights felt they had to support the Government, since it would be indecent to criticize it when the people were being bombed.

79. Bombing presented no threat to President Milosevic. It had, in fact, strengthened him, weakened democratic forces and punished the people. The international community needed a comprehensive policy for promoting civil society and building democracy, rather than taking precipitate action.

80. In the event of a political solution in the not too distant future, human rights should be one of the most important instruments for reconciliation. Officials responsible for human rights should be appointed or elected at all levels of self-government. The Commission should give a clear mandate to the High Commissioner and to himself to play an active role in the peace process so as to make sure that human rights were an inseparable part of any solution. It would be necessary to start from the beginning, however, and much energy, together with the necessary resources, would be needed.

81. Mr. JENSEN PETERSEN (Assistant High Commissioner for Refugees) said that, for over a year, UNHCR, together with the ICRC, had been trying to protect the 450,000 victims of the conflict in Kosovo. Over the past seven days, the situation had evolved faster than anyone had expected. Some 155,000 people had fled to Albania, the former Yugoslav Republic of Macedonia and Montenegro.

82. The Serbian authorities were deliberately forcing Kosovo Albanians out of their homes; there had been countless stories of violations from refugees who had been herded on to overcrowded trains, their homes looted and burnt, and their possessions left behind. Such measures must be condemned in the strongest possible terms.

83. The logistic difficulties of dealing with the humanitarian crisis were enormous. UNHCR resources were overstretched and the very poor national infrastructure in the receiving countries compounded the problems. Only a week earlier, the contingency plan had taken account of the possibility of 100,000 people being uprooted; the plan was currently being revised to handle 150,000.

84. The most urgent priority was shelter, as thousands of people were living in the open in border areas of Macedonia and Albania. Food aid was also critical, and the World Food Programme (WFP) was currently assessing needs in those areas. Transporting relief supplies to the areas concerned was problematic, as Tirana airport was overwhelmed by the incoming aircraft bringing supplies, and efforts were being made to deliver supplies by land. The likelihood of an outbreak of communicable disease among the refugees was high.

65. Given the magnitude of the crisis, urgent and immediate support was required. He expressed gratitude to the States that had provided support thus far and appealed to all States to provide further assistance. UNHCR also urged all receiving countries to keep their borders open.

66. Mr. KOH (United States of America) said that the systematic and increasingly brutal violations of human rights in Kosovo were proof that the Serbs had orchestrated their moves long before the air strikes had begun and thus bore full responsibility for the humanitarian tragedy. Three important steps must be taken to deal with the crisis: first, President Milosevic must halt his brutal offensive against Kosovo, withdraw his forces and accept the Rambouillet agreements as the basis for a settlement; secondly, the Commission on Human Rights must condemn the tragedy; and lastly, the international community must pledge financial support to address the urgent humanitarian needs of the refugees fleeing Serb violence.

67. Mr. MORJANE (Tunisia), speaking on behalf of the African Group, said that it was very concerned about the situation of the ethnic Albanian population in Kosovo. It deeply regretted the refusal of the Yugoslav authorities to respond positively to diplomatic efforts to find a peaceful solution to the conflict.

68. The Group deplored the use of force, which had never resolved any problem, but condemned all acts of repression and destruction and all forms of human rights violations, including the reported acts of ethnic cleansing.

69. It was the hope of the Group that reason would prevail and an end be put to all hostilities, enabling all refugees and displaced persons to return to their homes. Diplomatic efforts should then resume, under the auspices of the United Nations, with a view to finding a peaceful, just and lasting solution to the crisis. In that connection, the Group emphasized that primary responsibility for the maintenance of international peace and security lay with the United Nations. It was convinced that the international community would be able to mitigate the consequences of the human tragedy by mobilizing the required assistance to the population affected.

70. Ms. KUMARI (India) expressed concern at the continued reports of human rights violations in Kosovo. However, respect for international law by all States was an essential ingredient of a rule-based international system. Unilateral actions in contravention of the Charter of the United Nations would inevitably have an adverse effect on international cooperation for the promotion and protection of human rights.

71. The sovereignty and territorial integrity of the international frontiers of the Federal Republic of Yugoslavia were inviolable and must be respected by all States. Arbitrary and illegal military operations directed against Yugoslavia without the authorization of the Security Council must be brought to an immediate end. A resolution of the current crisis could be achieved only through peaceful consultations and dialogue, and not through confrontation or military action. At the same time, the Government of the Federal Republic of Yugoslavia must ensure the protection of all the human rights of all its people, including the rights of all segments of the population in the Kosovo region.

92. Mr. SREDIN (Russian Federation) said that NATO's actions against the sovereign State of Yugoslavia was naked aggression and a flagrant violation of the Charter of the United Nations and the agreement between NATO and the Russian Federation, which bound the parties not to use force or the threat of force against each other or any other State. The bombs on Yugoslavia were also destroying the system of collective security that had developed after the Second World War. If steps were not speedily taken to stop the aggression, the United Nations itself would be under threat.

93. NATO claimed, unconvincingly, that it was acting to protect democratic ideals and values, but ideals could not be enforced by the bomb. It was the height of hypocrisy to claim that peaceful people were being bombed in order to prevent a humanitarian catastrophe in Kosovo. That catastrophe had indeed occurred, but only after the start of the bombing. The authorities were not responsible for driving people out of Kosovo; it was the work of the country's warring factions which were bent on a kind of general genocide. The day before the bombing a mere 25 people had crossed the Kosovo-Albania border.

94. His information was that the NATO air strikes had already killed more than 1,000 civilians and 100 members of the armed forces. The Commission could not remain silent. He drew attention to a draft resolution (E/CN.4/1999/L.21) sponsored by his delegation, which called for an immediate ceasefire, as a very minimum. Anything less would be to connive at aggression. He urged all members to support the draft resolution in order to give a chance to life, peace and justice.

95. Mr. AFRAH (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), expressed deep grave concern at the developments in Kosovo, particularly the ongoing and premeditated massacre of civilians by the Serbian authorities and the growing number of refugees and displaced persons fleeing Kosovo. The OIC reiterated its sympathy and full solidarity with the people of Kosovo, reaffirmed its total rejection of the arbitrary use of force against civilians and called for the immediate cessation of all crimes against humanity by the Serbian forces and the withdrawal of those forces from the civilian areas of Kosovo. The Commission must play an active role in halting the bloodshed and promoting a peaceful, just and lasting settlement of the problem with due regard for the legitimate aspirations of the people of Kosovo.

96. The States members of the OIC had submitted a draft resolution* on the situation of human rights in Kosovo which reiterated the principles at stake and referred to the human rights crisis in and around Kosovo. It deplored violations of human rights and recognized that the people of Kosovo must be allowed to determine their own political future freely, in accordance with the Charter of the United Nations. It called on the Commission to condemn the policy of ethnic cleansing perpetrated against the Kosovars, to demand an immediate halt to all repressive actions by the Belgrade authorities and to call for the immediate withdrawal of Serbian military and paramilitary forces from Kosovo. The international community was called on to bring the perpetrators of crimes against humanity in Kosovo to international criminal

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* Subsequently issued as document E/CN.4/1999/L.3.

justice and to demand that the Belgrade authorities should sign and implement the Rambouillet agreement, including the provisions relating to the stationing of an international peace force. Lastly, the draft recognized the right of refugees from Kosovo to return to their homes in safety and honour. He urged the Commission to adopt the draft resolution, which was open to sponsorship by all States.

97. The OIC endorsed the intention of the High Commissioner for Human Rights to dispatch human rights monitors to the region and appealed to the international community and UNHCR to extend all humanitarian assistance to refugees and displaced persons in Kosovo. The States on whose behalf he spoke intended to respond individually and collectively to the appeals made at the current meeting by the Assistant High Commissioner for Refugees and the High Commissioner for Human Rights.

98. Mr. CHOWDHURY (Bangladesh) having endorsed the statement by the representative of Pakistan on behalf of the OIC, said that condemnation of the genocide in Kosovo was not sufficient: every act of brutality must be punished in order to deter future atrocities. The international community must take all possible steps to bring relief to the Kosovars, bearing in mind that half-hearted efforts were futile. Responsibility must be assigned and appropriate international judicial action taken.

99. All displaced Kosovars must be allowed to return to their country, their homes must be rebuilt and their lands restored to them. They must be fully compensated by those responsible for their misery. In that connection, he urged all delegations to support the draft resolution to be submitted by the Islamic members of the OIC.

100. Mr. RAZMOVSKI (Latvia), speaking also on behalf of Slovakia and Slovenia, said that the many atrocities that had been perpetrated by the Yugoslav army and Serb police against the Albanian residents of Kosovo indicated that the real objective of the Milosevic regime was to eliminate the Albanian community in Kosovo entirely. He condemned such brutality and violence and supported the calls of the international community for an immediate halt to the campaign of ethnic cleansing. Those guilty of violent crimes against civilians must be brought before the International Criminal Tribunal for the Former Yugoslavia. Violence and terror in Kosovo must cease and the peace talks must be resumed. Responsibility for the outcome of those talks lay with the political leadership of the Federal Republic of Yugoslavia.

101. Mr. HOPPE (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that all those countries were deeply concerned at the rapidly deteriorating humanitarian and human rights situation in Kosovo. The Heads of State and Government of the European Union had issued statements on Kosovo at meetings of the European Council in March 1999 in which they had reiterated their deep concern at the failure of mediation efforts and had urged the Government of Yugoslavia to accept a ceasefire in Kosovo and a political solution to the conflict there.

102. The draft Rambouillet agreement assured Kosovo of a high degree of self-government while respecting the sovereignty and territorial integrity of

Yugoslavia; it also guaranteed the individual human rights of all citizens in Kosovo, envisaged extensive rights for all national communities living there and established the basis for post-war reconstruction. The Government of Yugoslavia had, however, rejected all those proposals.

103. The policy of the countries he was representing was directed not against the Yugoslav or Serb population or against the Federal Republic of Yugoslavia or the Republic of Serbia, but against the irresponsible policy of the Yugoslav leadership and the security forces which were cynically and brutally fighting part of their own population.

104. He expressed dismay at the increasing number of reports of executions and atrocities committed against the civilian population. The European Union strongly condemned those crimes and demanded that they be halted immediately. Those responsible for ordering and carrying out such crimes would be brought to justice.

105. He agreed with the High Commissioner for Human Rights that there was an urgent need to establish the facts regarding the grave human rights violations in Kosovo and supported her intention to enhance her Office's presence in the region and to deploy additional human rights observers there. He also welcomed the proposed return to the region during the following week of the Special Rapporteur accompanied by the personal representative of the High Commissioner for Human Rights.

106. President Milosevic had been repeatedly warned against continuing his policy of forced expulsions, and the international community would make every effort to ensure that that short-sighted policy failed. The Serb offensive in Kosovo had left more than a quarter of a million Kosovars homeless. The European Union was concerned about the plight of those refugees and the imminent humanitarian catastrophe.

107. In a recent meeting at Bonn attended by representatives of the Union, ministers of foreign affairs from the region, the OSCE and UNHCR, all participants had emphasized the importance of effective regional cooperation in dealing with the situation. The European Union would do its utmost to cope with the humanitarian catastrophe and assist neighbouring countries in bearing the burden deliberately imposed on them by President Milosevic.

108. Any agreement to end the fighting in Kosovo must ensure that refugees and displaced persons were able to return to their homes promptly, with their safety internationally guaranteed. The Yugoslav leadership had to make a radical change in its policy, and President Milosevic knew full well what the international community expected of him.

109. Mr. PETIT (France), having endorsed the statement made by the representative of Germany on behalf of the European Union and expressed support for the efforts of the High Commissioner for Human Rights, said that France, together with its partners, had made every effort to bring about a peaceful settlement to the crisis in Kosovo through the draft Rambouillet agreement. The refusal by President Milosevic to sign that agreement showed that he had already chosen to settle the question by violence. In so doing, he had assumed full responsibility for the current situation.

110. Although the Security Council had adopted three resolutions on Kosovo, Belgrade had respected none of them. More recently, the Council had rejected by a large majority a draft resolution calling for a halt to NATO military action. The current action in Kosovo was aimed not at a people but at a repressive military machine and constituted an inevitable response to serious and repeated violations of fundamental human rights.

111. France was sending emergency humanitarian assistance to the Kosovar refugees in Albania as part of a joint operation with Germany and Italy, and was prepared to participate in further international efforts, including those sponsored by UNHCR.

112. Mr. CHIBA (Japan) said he joined previous speakers in their concern at the deteriorating human rights and humanitarian situation in Kosovo. His delegation urged the Government of Yugoslavia to accept the proposed peace agreement, since peace was the fundamental condition for ensuring human rights, in particular the right to life. The use of force by NATO was intended only to prevent any increase in the number of victims of human rights violations.

113. His Government had announced that Japan would provide $15 million and 1,000 tents to Kosovar refugees through UNHCR. He expressed support for the efforts being made by the international community, especially the High Commissioner for Human Rights, the Special Rapporteur, UNHCR and the other humanitarian agencies, and said that Japan was ready to cooperate in all efforts to tackle the tragic situation.

114. Ms. GERVAIS-VIDRICAIRE (Canada) said her Government was appalled by the deliberate targeting of civilians in Kosovo by the Serbian authorities, which had dramatically intensified their brutal campaign of ethnic cleansing, and was alarmed at the reports of atrocities and a campaign of terror in the region which had resulted in the displacement of a quarter of the civilian population, an intolerable situation. It supported the efforts of the High Commissioner for Human Rights to monitor and improve the human rights situation in the region.

115. Unfortunately, that situation was one in which diplomacy could not work without the threat of force. That was why Canada and its allies were taking a three-pronged approach to the situation in Kosovo: stepping up military intervention, the only barrier to further ethnic cleansing; increasing humanitarian assistance; and supporting the work of the International Criminal Tribunal for the Former Yugoslavia. The Tribunal had full authority to investigate crimes against humanity in Kosovo, and President Milosevic must know that justice would be done.

116. Mr. BRUSET (Norway) said that, in the past week, the scope and intensity of the humanitarian crisis, including the forced displacement of the civilian population of Kosovo, had increased dramatically. The testimony of refugees was unanimous in its graphic description of massive human rights violations on a scale that clearly indicated ethnic cleansing. There were reports of civilian males being separated from their families and detained by Serb authorities. There also appeared to be a concerted and systematic campaign to

eliminate Kosovo/Albanian politicians, as well as persons with higher education. Such campaigns were unfortunately all too reminiscent of similar action in Bosnia and Herzegovina.

117. The Serb use of force in Kosovo was clearly both disproportionate and excessive. It was not a campaign against armed insurgents, as Belgrade claimed, but a systematic and massive attack on the civilian population, involving flagrant abuses of human rights. It had to be made clear that the persons responsible for such violations would be held personally accountable by the international community.

118. His delegation offered its assistance in the efforts of the High Commissioner for Human Rights to secure a human rights presence in Macedonia, Albania and Montenegro. It also considered that it would be useful for the Special Rapporteur to undertake a first-hand assessment. All necessary assistance should be given to the International Criminal Tribunal for the Former Yugoslavia to ensure that abuses could be documented and prosecuted. The OSCE, of which Norway currently held the Chair, had pledged its cooperation in providing the High Commissioner for Human Rights with any logistic or other support she might require.

119. Neither Albania nor Macedonia was in a position to cope with the massive influx of destitute refugees from Kosovo. International assistance was essential if further destabilization of those countries was to be avoided. The refugees required not only material assistance but also security. Their human rights had to be fully respected. Many countries, including Norway, had already allocated significant financial resources to provide for the material needs of the refugees in neighbouring countries, but little could yet be done within Kosovo itself.

120. His Government had repeatedly stated that there could be no long-term solution to the conflict through the use of force against the civilian population and that violence contained the seeds of further conflict. Only a solution based on democratic procedures and full respect for the human rights of all the inhabitants of Kosovo could lead to a sustainable peace there.

121. The leadership in Belgrade must reconsider its strategy, as its current approach was counter-productive to long-term peace and stability in Kosovo and the Balkans as a whole.

122. Threats against human rights activists and members of the democratic opposition in Belgrade were completely unacceptable. While attention was perforce focused on the human rights crisis in Kosovo, it should not be forgotten that there were also significant violations of the human rights of the population of Serbia as a whole, and the leadership in Belgrade must also be held accountable for those.

123. Mr. PEREZ RIVERO (Cuba), noting that no speaker had yet referred to the human rights of the persons being bombed by NATO, asked whether the Commission discussed only those human rights violations that seemed to justify specific policies. His Government strongly condemned NATO's uncivilized aggression.

which had not been authorized by the Security Council, and was being led by the United States in the interests of those eager to impose their will throughout the planet in the name of a new world order and wondered whether the use of force by a bellicose bloc that, at the beginning of the century, had divided and weakened Europe to the United States' advantage, would solve the world's problems or protect the human rights of the innocent.

124. The possibility of the violence spreading or of social upheaval, with unforeseeable results for the region and for humanity as a whole, was of great concern to his delegation. He called upon the international community to put a stop to such unjustified aggression and avoid further loss of innocent lives. The Yugoslav peoples could then resume peaceful negotiation of a solution to problems that were a matter solely for their own sovereignty and self-determination.

125. Mr. LIU Xinsheng (China) said that the recent events in Kosovo were a source of concern to the peace-loving countries of the world. Kosovo was an integral part of Yugoslavia, and the question of Kosovo was an internal matter for that State to settle. His Government believed that a political situation should be sought through dialogue, on the basis of respect for the principle of sovereignty and territorial integrity of States and taking into account the interests of all the ethnic groups in Kosovo. Without the authorization of the Security Council, any action taken against Yugoslavia was a major violation of the Charter of the United Nations and the universally accepted norms of international law.

126. Recently, the parties concerned by the Kosovo question had undertaken efforts to find a political situation, and some progress had been achieved. China had always supported a political solution and opposed the use of force or the threat thereof. It was the right of each State to choose its own path to development, and his Delegation rejected any international interference under any pretext, especially efforts that attempted to bypass the authority of the United Nations. His Government demanded that the military action in Kosovo should be halted immediately and urged the international community to take steps to deal with the crisis and find a political solution.

127. Ms. MORENO DEL CORRO (Mexico) said that the human rights violations in the Federal Republic of Yugoslavia were rapidly acquiring catastrophic proportions. Her Delegation deeply regretted that there had been no genuine dialogue between the parties, as called for by the Commission the previous year. The international community, whose only representative was the United Nations, could not stand idly by in the face of a humanitarian tragedy and a threat to international peace and security. Under the Charter of the United Nations, the Security Council alone was empowered to authorize enforcement action under regional arrangements or by regional bodies. Violence had never solved any problem, and she thus called for an immediate ceasefire, for unconditional respect for human rights and for the strict observance of international humanitarian law. Negotiations and genuine dialogue were the only way to reach a peaceful and sustainable solution.

128. Mr. CHOLAQUI (Argentina), having endorsed the statement by the representative of Mexico, said that, during a recent visit to Rome, the

President of Argentina had urged all the parties involved in the conflict in Kosovo to keep the prospect of peace and dialogue open and had called for an end to all violation of human rights there.

129. The Commission had a specific mandate within the United Nations system to ensure universal respect for human rights. That perspective should accordingly be the focus of its approach to the situation in Kosovo and to all other such situations. His Government was prepared to cooperate in any way to restore respect for and enjoyment of human rights in Kosovo and to bind up the deep wounds inflicted on the civilian population of the region.

The meeting rose at 6.25 p.m.